

BEVELOCK & FISHER LLC
Attorneys at Law

Gregory J. Bevelock, Esq.
Tel: (973) 845-2999
gbevelock@bevelocklaw.com

Fax: (973) 845-2797

14 Main Street, Suite 200
Madison, NJ 07940
www.bevelocklaw.com

Charles M. Fisher, Esq.
Tel: (973) 845-2998
cfisher@bevelocklaw.com

April 24, 2019

BY ECF & E-Mail

Hon. Tonianne J. Bongiovanni, U.S.M.J.
Clarkson S. Fisher Fed. Bldg. & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: Rabbi Philip Lefkowitz et al. v. Westlake Master Ass'n Inc. et al.
Civil Action No. 3:18-cv-14862-AET-TJB

Dear Judge Bongiovanni:

This firm represents plaintiffs, Rabbi Philip Lefkowitz, Levi Lefkowitz, and Moshe Lefkowitz (“Plaintiffs”), in the above-referenced matter. We are writing to request the Court’s leave to file an amended complaint in the form attached hereto. See Exhibit A (the proposed amended complaint showing changes made to the initial complaint); Exhibit B (a clean copy of the proposed amended complaint).

We have conferred with Defendants’ counsel, and they consent to the filing of the amended complaint. Moreover, all parties agree that the filing of the amended complaint will not impact the discovery schedule set forth in the Joint Discovery Plan submitted by the parties.

The proposed amended complaint essentially makes three changes: (a) paragraph 87 is amended to include a larger quotation from a letter by Rabbi Lefkowitz; (b) Count III is amended to clarify that Plaintiffs’ claims under the NJLAD include, without limitation, a claim for failure to grant an accommodation based on creed pursuant to N.J.S.A. 10:5-4; and (c) the Prayer for Relief is amended to include an additional alternative request for relief with respect to the gate and path.

Pursuant to Fed.R.Civ.P. 15(a), “leave to amend the pleadings is generally granted liberally,” particularly in the absence of undue delay, bad faith, prejudice or futility. Carter v. Middlesex County Corrections, Civil Action No. 15-7102, 2017 WL 1364596 *2 (D.N.J. July 7, 2018) (citations omitted). Here, none of these factors are present. Indeed, the Rule 16 conference has not yet been conducted, other than Initial Disclosures, discovery has not commenced, and Defendants have consented to the filing of the amended complaint.

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Finally, Local Civil Rule 15.1 allows the filing of an amended pleading without a formal motion, when “excused by the Court.” Given the above circumstances, Plaintiffs respectfully submit that a motion is not necessary and request that the Court enter the proposed Consent Order submitted herewith.

We thank the Court for its kind attention to this matter. If the Court has any questions regarding this application, we will be happy to address them on the telephonic case management conference scheduled for this Thursday, April 25th at 2:30 pm.

Respectfully submitted,

BEVELOCK & FISHER LLC

s/ *Gregory J. Bevelock*
Gregory J. Bevelock

Encl.

c: Wayne E. Pinkstone, Esq. (w/ encl., by ECF & E-mail)